



**\*Update 8/24/11\***

**BRIEFING: AUGUST 2011 BOARD MEETING AGENDA ITEM #3**

**TO:** Chairman Umberg and Board Members

**FROM:** Roelof van Ark, Chief Executive Officer

**DATE:** August 25, 2011

**RE:** Approval of Terms and Conditions Associated with Performance for the Request for Proposals (RFP) for Right-of-Way Services Consultants/Expert Contractors

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**Background**

At the July 2011 Board Meeting, the Board authorized the Chief Executive Officer to issue one or more Request for Proposals (RFP), and conclude contracts for Right of Way Services in an amount not to exceed \$40 million. At that time, the Board requested staff provide further clarification in a later Board meeting of the methods utilized to ensure contractors' performance and accountability.

The Authority initially planned the release of the RFP in mid-August 2011 prior to the August Board Meeting, with the provision that the Board could later cancel or, to the extent permitted by law, amend the terms of the RFP if the Board was not satisfied with the methods presented. However, the Authority later concluded it made tactical sense to wait for the Board's acceptance of the clarifying language prior to releasing the RFP, now planned for release in mid-September 2011.

**Performance/Accountability Methods**

The final Scope of Work that will be included in the RFP and subsequent contracts will identify specific tasks and deliverables required to deliver the right of way for construction. Each task and/or deliverable will have specific due dates based on project schedule milestones. Many tools and processes will be mandatory to ensure prompt delivery and/or completion of tasks, including, but not limited to the following:

- Implementation of Proven QA/QC Internal Processes by Contractors
  - Intermittent Management Reviews by Qualified Authority Staff
- Weekly Progress Reports from Contractors
  - Including Earned Value Reporting
- Bi-Weekly Management Meetings
  - Including "Look-Ahead" Forecasting for Planning
  - Problem-Solving
- Invoice Retention of 10% Pending Work Task Order Milestone Delivery (A higher retention percentage may be implemented in certain situations to ensure accountability.)

**Recommendation**

Resolved: That in accordance with the conditions of Resolution #HSR11-20, approved by the Board on July 14, 2011, the Board approves the methods of ensuring contractors' performance and accountability substantially as presented, and which will be included in the RFP for Right-of-Way services, and authorizes the CEO to issue one or more RFPs and conclude contracts for Right-of-Way services in an amount not to exceed \$40 million.